

IN THE COURT OF THE SENIOR CIVIL JUDGE::VIZIANAGARAM

Present:- Smt B.H.V.Laxmi Kumari,
Civil Judge(Senior Division),
Vizianagaram

Thursday, the 19th day of June, 2025.

H.M.O.P.NO.173/2024**Between:-**

1) Chalumuri Suresh (Aadhaar No.3603 6339 2895) S/o.late Yernaaidu, Hindu, aged about 43 years, resident of Vasantha Village, Gantyada Mandalam, Vizianagaram District, Andhra Pradesh 535215, Cell No.8187886960.

2) Smt.Chalumuri Ramana (Aadhar No.9167 7852 3944) W/o.Chalumuri Suresh (Chandanapalli Ramana D/o.Chandanapalli Ramu), Hindu, aged about 22 years, Resident of D.No.C-14, Pola Veedhi, Vangara Village, Dattirajeru Mandalam, Vizianagaram District, Andhra Pradesh 535580, Cell No.9398380067.

... Petitioners.

And:

NIL

... Respondent.

This petition coming on 17.6.2025 for final hearing and disposal before me in the presence of Sri B.R.Appalanaidu, Advocate for the petitioners, after having stood over for consideration till this day, this court passed the following:-

ORDER

1. This application is filed by the petitioners under Section 13-B of the Hindu Marriage Act, praying the court to pass a decree of divorce by dissolving the marriage of the petitioners, by mutual consent.

2. The brief averments of the petition filed by the petitioners are as follows:-

The marriage of the petitioners was performed according to Hindu rites and caste custom under Hindu religion on 15.4.2020 at

the house of 1st petitioner in Vasantha village, Gantyada Mandalam, Vizianagaram District. Immediately after marriage, the 2nd petitioner joined the 1st petitioner at his residence in Vasantha village, Gantyada Mandal, Vizianagaram District and lead marital life for some time. Later the 2nd petitioner went to her parents' house in the month of December, 2020 as she was seventh month pregnant and the 1st petitioner used to visit her house and they were blessed with a female child by name Kushmitha on 22.2.2021. Subsequently, some differences arose between the petitioners and due to the said differences both the petitioners are living separately at their respective parents' houses. On the advice of both the elders of the petitioners, the 2nd petitioner came to the house of the 1st petitioner in the month of February, 2022 along with her daughter and the 1st birthday celebration was performed to their daughter and lived some time. Later the 2nd petitioner left from the 1st petitioner house along with her daughter in the month of June, 2022. Since then, the 2nd petitioner has been residing in her parents' house along with her daughter till today.

The parents and well-wishers made their efforts to cope up the differences among the petitioners as a part of reconciliation and advised both the petitioners to realize the reality of life, but for the reasons best known to both the petitioners, developed a version against each other and living separately with their respective parents' from the month of June, 2022. The petitioners could not live together as wife and husband due to incompatibility inspite of the efforts made by the parents and well wishers of both the parties and as the efforts made for reconciliation became futile and there is no chance of leading matrimonial life together and accordingly both the

petitioners expressed their intention as well as their willingness to obtain divorce by mutual consent. The elders have tried their level best to conciliate them, but they could not agree to join together and live as wife and husband. The elders of both parties advised them to take legal divorce from a competent court of law, as there is no chance of their reunion in future.

It is further submitted that the elders settled the dispute between them. According to the terms of the settlement, the 1st petitioner has agreed to deposit a sum of Rs.4,00,000/- to his minor daughter by name Chalumuri Kushmitha, now aged about 3 years by way of Kisan Vikas Patra in the Sub-Post Office, Cantonment, Vizianagaram as guardian of the 1st petitioner and keep her under care and custody of the 2nd petitioner in future and the 1st petitioner agreed for the same to take responsibility of her daughters' welfare, care and custody in future from the date of divorce by mutual consent. The 1st petitioner also agreed to pay a sum of Rs.8,00,000/- to the 2nd petitioner for her permanent alimony towards full and final settlement. Out of the said amount, Rs.2,00,000/- to be paid at the time of filing this petition and the remaining Rs.6,00,000/- to be paid at the time of adducing evidence in the Honourable Court. Both the petitioners agreed for the same. Both the petitioners further agreed to return the gold ornaments and sari samanulu each other which were presented to the petitioners by their parents at the time of marriage.

According to the above compromise both the petitioners returned each other all the gold ornaments, sari saman and other articles which were presented to each other at the time of marriage in the presence of elders. The 1st petitioner deposited a sum of

Rs.4,00,000/- to his minor daughter by name Chalumuri Kushmitha by way of Kisan Vikas Patra Account No.020131195762 dated 9.10.2024 in Sub-Post Office, Cantonment Branch, Vizianagaram on condition that the amount will be received after attaining majority to their daughter. The 1st petitioner paid a sum of Rs.2,00,000/- to the 2nd petitioner for her permanent alimony towards full and final settlement. Both the petitioners have agreed that they will not raise any dispute against each other in future after filing of this petition and after passing the decree of divorce by mutual consent. Both the petitioners have agreed to marry any person of their choice after passing of the decree of divorce by mutual consent. The 2nd petitioner undertakes that she will not claim any maintenance from the 1st petitioner in future and she will not raise any civil or criminal disputes against the 1st petitioner in future. The 2nd petitioner further undertakes that she keeps her daughter Chalumuri Kushmitha in her custody and lookafter the welfare and maintenance of her daughter in future after the date of divorce by mutual consent and she will not withdraw the Kisan Vikas Patra deposit amount of Rs.4,00,000/- with accrued interest till the minor daughter attains her majority.

As there is no chance of their reunion in future, this petition is filed for grant of decree of divorce by mutual consent by dissolving the marriage between them that took place on 15.4.2020.

3. On registration of the petition, both the petitioners are directed to appear before the court after expiry of six months and accordingly both the petitioners appeared before the court and also attended before the court on the next date of adjournment i.e. on 17.6.2025 and they were examined as PWs 1 and 2 and got marked

Ex.P.1 to Ex.P.4. Ex.P.1 is the wedding card, Ex.P.2 is the marriage photograph attested by the Gazetted Officer, Ex.P.3 is the receipt for Rs.2,00,000/- dt.7.11.2024, Ex.P.4 is receipt for Rs.6,00,000/- dt.17.6.2025.

4. Heard the counsel for the petitioners.

5. Now the point for consideration is,

“Whether the petitioners are entitled for grant of decree of divorce dissolving their marriage, by mutual consent?”

POINT :-

6. P.Ws 1 and 2 who are the petitioners 1 and 2 herein respectively filed their respective chief examination affidavits by reiterating the contents of the petition, and further stated that due to disputes and differences of opinion between them they could not live under one roof, and since there is no chance of their reunion, they approached this court for grant of decree of divorce by mutual consent u/sec.13-B of the Hindu Marriage Act. In support of their contention, the petitioners got exhibited Exs.P.1 to P.4 Exs.P.1 and P.2 which are the wedding card and marriage photograph respectively prove the factum of marriage between them. The chief examination affidavit of both the petitioners i.e. Pws 1 and 2 and Ex.P.3 and Ex.P.4 shows about the compliance of all terms and conditions as agreed by them mutually.

7. It is pertinent to note that even during the statutory period of six months also the petitioners did not show any interest for their reunion. Further, multiple efforts have already been made to settle their differences and for reconciliation, but it yielded no results, for which there is no chance of reconciliation between the

parties. Further, both the petitioners voluntarily and in one voice prayed this court for grant of divorce by mutual consent.

8. A perusal of the above averments and evidence would show that there is irretrievable breakdown of marriage between P.Ws 1 and 2 and there is no chance of their reunion. Hence, in view of the above discussion and reasons and the fact that there is no chance of reunion between the petitioners, the request of the petitioners for grant of decree of divorce by mutual consent, is liable to be accepted and the petition deserves to be allowed. The point is answered accordingly.

9. In the result, the petition is ALLOWED granting decree of divorce dissolving the marriage between the petitioners held on 15.04.2020 by mutual consent.

Typed to my dictation by the Stenographer Grade II (on deputation) directly on the computer, corrected and pronounced by me in open court on this the 19th day of June, 2025.

Sd/- B.H.V.Laxmi Kumari

CIVIL JUDGE (SENIOR DIVISION),
VIZIANAGARAM.

Appendix of evidence

Witnesses examined

For petitioners:-

P.W.1: Chalumuri Suresh

P.W.2: Smt.Chalumuri Ramana (Chandanapalli Ramana)

For respondent: NONE.

Documents marked

For petitioners:-

Ex.P.1 : Wedding card,

Ex.P.2 : Marriage photograph attested by the Gazetted Officer

Ex.P.3: Receipt for Rs.2,00,000/- dt.7.11.2024.

Ex.P.4: Receipt for Rs.6,00,000/- dt.17.6.2025.

For Respondent: NIL.

Sd/- B.H.V.Laxmi Kumari

CIVIL JUDGE (SENIOR DIVISION),
VIZIANAGARAM.